

House File 496 - Introduced

HOUSE FILE 496
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 138)

A BILL FOR

1 An Act relating to the service of notice of no-contact orders
2 and protective orders, and including effective date
3 provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 236.3, subsection 3, Code 2013, is
2 amended to read as follows:

3 3. a. The filing fee and court costs for an order for
4 protection and in a contempt action under this chapter shall be
5 waived for the plaintiff.

6 b. The clerk of court, the sheriff of any county in this
7 state, and other law enforcement and corrections officers shall
8 perform their duties relating to service of process without
9 charge to the plaintiff. When an order for protection is
10 entered by the court, the court may direct the defendant to pay
11 to the clerk of court the fees for the filing of the petition
12 and reasonable costs of service of process if the court
13 determines the defendant has the ability to pay the plaintiff's
14 fees and costs. In lieu of personal service of an order for
15 protection issued pursuant to this section, the sheriff of any
16 county in this state, and other law enforcement and corrections
17 officers may serve a defendant with a short-form notification
18 pursuant to section 664A.4A.

19 Sec. 2. NEW SECTION. 664A.4A Short-form notification —
20 no-contact order or protective order.

21 1. In lieu of personal service of a no-contact order or a
22 protective order on a person whose activities are restrained
23 by the order, a sheriff of any county in this state or any
24 peace officer or corrections officer in this state may serve
25 the person with a short-form notification pursuant to this
26 section to effectuate service of an unserved no-contact order
27 or protective order.

28 2. Service of a short-form notification under this section
29 shall be allowed during traffic stops and other contacts with
30 the person by a sheriff, peace officer, or corrections officer
31 in this state in the course of performing official duties.
32 The person may be detained for a reasonable period of time to
33 complete the short-form notification process.

34 3. When the short-form notification process is complete,
35 the sheriff, peace officer, or corrections officer serving the

1 notification shall file a copy of the notification with the
2 clerk of the district court. The filing shall indicate the
3 date and time the notification was served on the person.

4 4. The short-form notification shall be on a form
5 prescribed by the state court administrator. The state court
6 administrator shall prescribe rules relating to the content
7 and distribution of the form to appropriate law enforcement
8 agencies in this state. The form shall include but not be
9 limited to all of the following statements:

10 a. The person shall have no contact with the protected
11 party.

12 b. The person is responsible for obtaining a full copy of
13 the no-contact order or the protective order from the county
14 sheriff of the county in which the order was entered or from
15 the clerk of the district court.

16 c. The terms and conditions of the no-contact order or
17 protective order are enforceable, and the person is subject to
18 arrest for violating the no-contact order or the protective
19 order.

20 Sec. 3. EFFECTIVE DATE. This Act takes effect April 1,
21 2014.

22 EXPLANATION

23 This bill relates to the service of notice of no-contact
24 orders and protective orders.

25 The bill provides that, in lieu of personal service of a
26 no-contact order or a protective order, a sheriff of any county
27 in this state or any peace officer or corrections officer in
28 this state may serve the person subject to the order with a
29 short-form notification to effectuate service of an unserved
30 no-contact order or protective order. The bill allows service
31 of a short-form notification during traffic stops and other
32 contacts with the person by a sheriff, peace officer, or
33 corrections officer in the course of performing official
34 duties. The detention of the person shall be for a reasonable
35 period of time to complete the short-form notification process.

1 When the short-form notification process is complete, the
2 sheriff, peace officer, or corrections officer serving the
3 notification shall file a copy of the notification with the
4 clerk of the district court which shall indicate the date and
5 time the notification was served on the person. The short-form
6 notification shall be on a form prescribed by the state court
7 administrator. The state court administrator shall prescribe
8 rules relating to the content and distribution of the form to
9 the appropriate law enforcement agencies in this state. The
10 form shall include but not be limited to statements that the
11 person shall have no contact with the protected party, is
12 responsible for obtaining a full copy of the no-contact order
13 or protective order from the county sheriff of the county in
14 which the order was entered or from the clerk of the district
15 court, and that the terms and conditions of the no-contact
16 order or protective order are enforceable, and the person
17 is subject to arrest for violating the no-contact order or
18 protective order.

19 The bill takes effect April 1, 2014.